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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,315	07/30/1999	THOMAS T. CHEUNG	ST9-99-078	9277

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EPSTEIN, EDELL, SHAPIRO, FINNAN & LYTLE, LLC  
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SUITE 400  
ROCKVILLE, MD 20850

EXAMINER

NGUYEN, HAI V

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/364,315

Applicant(s)

CHEUNG, THOMAS T. ✓

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Action is in Response to the Information received on 07 March 2002.
2. Claims 1-30 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Heath et al.** US patent no. **5,553,239** in view of **Jindal et al.** US patent no. **6,327,622**.
5. As to claim 1, Heath, Management Facility For Server Entry And Application Utilization In A Multi-Node Server, discloses, a method of determining access, the method comprising the steps of: receiving one or more requests to access a system (Heaths teaches that a server architecture for connecting to a plurality of remote client computers each seeking access to applications resident on the server, Heaths, Abstract, Fig. 1); However, Heath does not explicitly disclose, for each request, determining whether to allow access to the system using access vector to identify an available access object. Thus, the artisan would have been motivated to look into the related network application access art for potential methods and systems for implementing the access control of network applications.

In the same field of endeavor, Jindal, related Load Balancing in a network environment, discloses in an analogous art network application access control. Jindal teaches for each request, Center Server 100 resolving for application 104 to an address of a server offering an instance of the program using lookup table 102 to allow the client to access an instance of the application on server 110. The lookup table entry for application 104 may indicate a network address (e.g., an IP or Internet Protocol address) for one of servers 110, 112 and 114; Jindal, col. 6, lines 13-23; col. 10, lines 64-67).

It would have been obvious to one of ordinary skill in the network application access art at the time the invention was made to combine the teachings of Heath and Jindal to provide lookup table to identify the available instance of the application on the server because it would allow the load-balancing on the system.

6. As to claim 2, Heath-Jindal discloses, wherein the access object comprises information regarding attributes of the access object (Jindal, col. 5, lines 4-65).

7. As to claim 3, Heath-Jindal discloses, wherein the step of determining further comprises the step of evaluating whether the request can be satisfied with an available access object based on one or more attributes of that access object (Heath, col. 13, lines 29-31; col. 14, lines 3-4).

8. As to claim 4, Heath-Jindal discloses, further comprising the step of returning a result to the request (Jindal, individual client may be routed to, and their requests (e.g., database access, send electronic mail, browse a web page) satisfied by, any of the multiple servers, col. 4, line 67, col. 5, lines 1-3).

9. As to claim 5, Heath-Jindal discloses, further comprising the step of modifying the access vector upon receiving an indication that a request has completed its access to the system (Heath, the connection management that monitors the user's level of online activity, terminating inactive connections both to save system resources and to limit unnecessary connection charges to the user; Abstract; col. 3, lines 42-44).

10. As to claim 6, Heath-Jindal discloses, further comprising the step of modifying the access vector to modify a number of access objects (Heath, the application management that spreads users optimally among active application instances, maintaining a pool of available applications (access objects), initiating new instances when the pool is low, and which records a user's utilization of different applications for billing purposes; Abstract; col. 3, lines 44-48).

11. As to claims 7, 8, Heath-Jindal discloses, wherein the number of access objects is increased/decreased (Heath, the general approach of the invention id to distribute tasks to different functional modules in a manner that promotes efficiency and ready accommodation of large numbers of users without processing delays; Abstract; col. 3, lines 53-57).

12. As to claim 9, Heath-Jindal discloses, further comprising the step of modifying one or more attributes of an access object (col. 12, lines 46-55; col. 13, lines 46-57).

13. As to claim 10, Heath-Jindal discloses, further comprising the step of allowing one request at a time to manipulate the access vector (Jindal, one IMO is registered or created for each instance of the application, col. 12, lines 56-67).

14. Claim 11 recites an apparatus corresponding to the method of operation of claim 1. The apparatus claimed is obvious in that it simply follows the logical implementation of the method indicated in the referenced claims to perform each of the logical steps of controlling access to web servers method that results from the combination of the references discussed above regarding the claims to the method of operation. Thus, the apparatus described in claim 11 would have been obvious in view of the elements provided in the combination of the references, which correspond to the steps in the method of operation for the same reasons discussed above regarding claim 1.

15. Claims 12-20 are substantially the same as claims 2-10 and are thus rejected for the reason similar to those in rejection claims 2-10.

16. As to claim 21, Heath-Jindal discloses an article of manufacture comprising a computer program carrier readable by a computer and embodying one or more instructions executable by the computer to perform the method steps for determining access as in the apparatus of claim 11 above. The Examiner takes **Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a computer program carrier readable by a computer embodying one or more instructions for the storing and execution of the method and apparatus in order to perform the functional procedures for determining, controlling access to web servers and computer resources. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer program carrier readable by a computer embodying one or more instructions executable by the computer to store and execute the procedures of managing computer network resources and determining

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access control because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art.

Claims 22-30 are substantially the same as claims 2-10 and are thus rejected for the reason similar to those in rejection claim 2-10.

### ***Response to Arguments***

17. Applicant's arguments filed 12 March 2002 have been fully considered but they are not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main point of contention.

(A) The prior art does not teach such a modified system including, for each request, determining whether to allow access to the system using an access vector to identify an available access object.

18. As to point (A), Jindal, related Load Balancing in a network environment, discloses in an analogous art network application access control. Jindal teaches for each request, Center Server 100 resolving for application 104 to an address of a server offering an instance of the program using lookup table 102 to allow the client to access an instance of the application on server 110. The lookup table entry for application 104 may indicate a network address (e.g., an IP or Internet Protocol address) for one of servers 110, 112 and 114; Jindal, col. 6, lines 13-23; col. 10, lines 64-67).

**Conclusion**

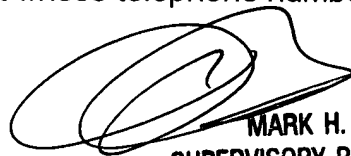
19. Further references of interest are cited on Form PTO-892 which is an attachment to this office action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 8:00-4:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703-305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3230.

Hai V. Nguyen  
Examiner  
Art Unit 2152



MARK H. RINEHART  
SUPERVISORY PATENT EXAMINER  
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